

Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 ACDA-07 CIAE-00 DODE-00 PM-04
INR-07 L-03 NSAE-00 NASA-01 NSC-05 ERDA-05 OES-06
SSO-00 INRE-00 OIC-02 AF-08 ARA-06 EA-07 EUR-12
NEA-10 USIE-00 CCO-00 OTPE-00 EB-08 FCC-01 OC-06
COME-00 BIB-01 NSCE-00 SP-02 SS-15 /130 W
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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC IMMEDIATE 2976

C O N F I D E N T I A L USUN 0941

E.O. 11652: GDS

TAGS: TSPA, AORG, UN

SUBJECT: OUTER SPACE LEGAL SUBCOMMITTEE-AUSTRIAN

PROPOSAL ON DBS

1. AT LEGAL SUBCOMMITTEE MEETING A.M. MARCH 29, AUSTRIA
SUBMITTED FOLLOWING FORMULATION OF A COMPROMISE DBS PRINCIPLE
ON ARRANGEMENTS AND CONSULTATIONS BETWEEN STATES
(WG.II(1977)/WP.3). QUOTE

1.) DIRECT TELEVISION BROADCASTING BY MEANS OF ARTIFICIAL
EARTH SATELLITES SHOULD BE CONDUCTED IN ACCORDANCE WITH
THE PRINCIPLES SET OUT HEREIN AND IN PARTICULAR WITH THE
RULES OF INTERNATIONAL LAW RELATING TO FREEDOM OF EXPRESSION,
WHICH INCLUDES THE FREEDOM TO SEEK, RECEIVE AND IMPART INFO-
MATION AND IDEAS OF ALL KINDS, REGARDLESS OF FRONTIERS. SUCH
DIRECT TELEVISION BROADCASTING AIMED AT A FOREIGN STATE SHALL BE
SUBJECT TO BILATERAL OR REGIONAL ARRANGEMENTS BETWEEN THE
STATES OR THEIR DULY AUTHORIZED BROADCASTING ENTITIES CONCERNED
ON THE BASIS OF SUCH PERMISSIONS OR RESTRICTIONS WHICH ARE OR
MAY BE IMPOSED BY THE RELEVANT PROVISIONS OF THE ITU CON-
VENTION AND ITS RADIO REGULATIONS.

2.) STATES WHICH ESTABLISH A DIRECT TELEVISION BROAD-
CASTING SERVICE BY MEANS OF ARTIFICIAL EARTH SATELLITES AIMED
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INTENTIONALLY AT A FOREIGN STATE SHALL WITHOUT DELAY ENTER
INTO CONSULTATIONS WITH THE RECEIVING STATE IF THE LATTER
SO REQUESTS.

3.) NO SUCH CONSULTATIONS OR ARRANGEMENTS ARE REQUIRED
WHERE COVERAGE OF THE TERRITORY OF A FOREIGN STATE RESULTS
FROM RADIATION OF THE SATELLITE SIGNAL WITHIN THE LIMITS

CONSIDERED TECHNICALLY UNAVOIDABLE UNDER THE
RADIO REGULATIONS OF THE INTERNATIONAL TELECOMMUNICATION
UNION. UNQUOTE.

2. IN ADDITION, CANADA AND SWEDEN TABLED DRAFT PREAMBLE AND
PRINCIPLE ON CONSULTATIONS AND AGREEMENTS ARE PREVIOUSLY RE-
PORTED. TEXT OF DRAFT PREAMBLE FOLLOWS (WG.II(1977)/WP.1).

QUOTE - CONSIDERING THE POTENTIAL BENEFITS FOR ALL COUNTRIES IN
USING DIRECT TELEVISION BROADCASTING BY MEANS OF ARTIFICIAL
EARTH SATELLITES;

- RECOGNIZING THE IMPORTANCE OF FREE DISSEMINATION OF
INFORMATION AND IDEAS AND A BROADER EXCHANGE OF VIEWS BETWEEN
ALL COUNTRIES OF THE WORLD;

- DESIRING TO ENCOURAGE BALANCED AND ORDERLY INTERNATIONAL
DEVELOPMENT OF THIS NEW AND PROMISING TECHNIQUE;

- RECOGNIZING THE UNIQUE CHARACTERISTICS OF DIRECT BROADCAST
SATELLITES WHICH NECESSITATE TECHNICAL REGULATIONS AND SPE-
CIAL PRINCIPLES SOLELY APPLICABLE IN THIS FIELD;

- CONSIDERING THAT STATES, REGIONAL AND INTERNATIONAL
GOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS, INCLUDING
BROADCASTING ASSOCIATIONS, SHOULD ENCOURAGE INTERNATIONAL
CO-OPERATION ON REGIONAL AND OTHER LEVELS;

- HAS ADOPTED THE FOLLOWING PRINCIPLES WHICH APPLY ONLY TO
DIRECT TELEVISION BROADCASTING BY MEANS OF ARTIFICIAL EARTH
SATELLITES INTENTIONALLY DIRECTED AT A FOREIGN STATE. UNQUOTE

3. ON THE BASIS OF PRELIMINARY ANALYSIS, USDEL BELIEVES
THE AUSTRIAN PROPOSAL AND THE CANADA/SWEDEN PREAMBLE, IF
TAKEN TOGETHER AND WITH SOME DRAFTING CHANGES, COULD FORM
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AN ACCEPTABLE PACKAGE WHICH WOULD NOT COMPROMISE FUNDAMENTAL
US POSITION AND INTERESTS REGARDING FREE FLOW OF INFORMATION.
ALTHOUGH WE ANTICIPATE THAT OTHER HARD LINE DELS WILL NOT
REPEAT NOT FIND IT ACCEPTABLE, WE BELIEVE IT IS IMPORTANT
FOR US TO BE ABLE TO INDICATE IN THE WORKING GROUP AND
CORRIDOR CONVERSATION SOME DEGREE OF RECEPTIVITY TO REA-
SONABLE GOOD FAITH ATTEMPTS AT COMPROMISE FORMULATIONS
SUCH AS THESE, IN ORDER TO AVOID APPEARING INTRANSIGENT
AND ISOLATING OURSELVES.

4. ACTION: REQUEST DEPT VIEWS ON THESE TEXTS AND IN-
STRUCTIONS ENABLING USDEL AT THE OPPORTUNE TIME TO INDICATE
SUPPORT FOR AUSTRIAN PROPOSAL IN COMBINATION WITH CANADA/
SWEDEN PREAMBLE, ONLY AS AN ACCEPTABLE FALLBACK POSITION.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Copy: SINGLE
Sent Date: 29-Mar-1977 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Event:
Disposition History: n/a
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Review Withdrawn Fields: n/a
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Secure: OPEN
Status: NATIVE
Subject: OUTER SPACE LEGAL SUBCOMMITTEE-AUSTRIAN PROPOSAL ON DBS
TAGS: TSPA, AORG, UN
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